

Remarks

1. Status and Support for the amendments

Claims 5-7, 19-21, 23 and amended claims 1, 4 and 8 are currently pending. Claims 2-3, 9-18 and 22 have been canceled. Claims 19-21 and 23 have found allowable in the instant Action. The amendments to the claims are supported in the claims as filed as well as, *inter alia*, in paragraphs 28, 29, 51, 55, 56, 63, 64, and 68. New claims 24-38 are supported, for example, in paragraphs 47, 73, 74, 76, and in the claims as filed. Thus, no new matter is added by amendment.

2. Rejections under 35 U.S.C. § 102

Claims 1 and 408 are under 35 U.S.C. § 102 as being anticipated by Hossack.

“To anticipate a claim, the cited reference must teach each and every element of the rejected claim.” See MPEP § 2131.

As asserted by the Patent Office in the instant Action, “Hossack discloses a transducer array comprising a first layer 60 of piezoelectric material and a second layer 62 of piezoelectric material deposited on the first layer 60” [emphasis added]. In contrast, currently pending claim 1 recites:

A neurostimulator, comprising:

an ultrasound pulse generator;

an ultrasound transducer connected to the ultrasound pulse generator;

and

an electrode system capable of being acoustically connected to the ultrasound transducer and the ultrasound pulse generator, wherein the electrode system comprises a plurality of separate piezoelectric chips configured so that at least a first piezoelectric chip and a second piezoelectric chip can be differentially placed proximate a nerve bundle, wherein the plurality of piezoelectric chips are small enough to be implanted using a standard gauge syringe close to a nerve fiber in an individual, wherein each piezoelectric chip comprises (i) a pair of electrodes, (ii) a piezoelectric material electrically connected to the pair of electrodes; and (iii) a diode in electrical communication with the pair of electrodes and the piezoelectric material. [emphasis added]

Thus, as admitted by the Patent Office, Hossack teaches piezoelectric layers that are not separate, while the claims recite “separate piezoelectric chips configured so that at least a

first piezoelectric chip and a second piezoelectric chip can be differentially placed proximate a nerve bundle.” Since Hossack teaches a layered transducer array, it clearly does not disclose or suggest a plurality of separately piezoelectric chips configured so that separate chips can be differentially placed proximate a nerve bundle.

Furthermore, as stated by Hossack in column 1 lines 14-17, “the transducer arrays is in the form of a hand-held probe.” In contrast the instant claims recite that the “plurality of piezoelectric chips are small enough to be implanted using a standard gauge syringe close to a nerve fiber in an individual.” Since Hossack teaches a “hand-held probe,” it clearly does not teach or suggest all of the claim limitations of pending claim 1.

Based on all the above, the cited art clearly does not teach or suggest all of the claim limitations of currently pending claim 1 or claims 4-8 which are dependent on claim 1 and thus share all of the claim limitations of claim 1. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection.

3. Allowable Subject Matter

The Patent Office has indicated that claims 19-21 and 23 are allowed.

Conclusion

Applicant respectfully submits that, in view of the amendments and remarks above, all of the pending rejections have been overcome. Applicant therefore respectfully requests allowance of all the pending claims. The Examiner is invited to call the undersigned at (312) 913-2106 with any questions or comments.

Respectfully submitted,
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Date: /March 13, 2009/

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